

REMARKS:

The present application was filed on January 6, 2004, with claims 1-27. With the present response, Applicant cancels independent claim 13 and amends claims 14-18, 20, and 21.

In the outstanding Office Action, the Examiner (1) withdrew claims 25-27 in accordance with a restriction requirement; (2) rejected claims 13 and 16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2004/0151146 to Hammerschmidt; (3) allowed claims 1-12 and 22-24; and (4) objected to claims 14, 15, and 17-21 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

With regard to the restriction requirement in item (1) above, Applicant elects claims 1-24 without traverse. Claims 25-27 stand withdrawn.

With regard to the rejection in item (2) above, Applicant has canceled independent claim 13, so the §102(e) rejection of claim 13 is moot. Regarding dependent claim 16, which originally depended from independent claim 13, Applicant has rewritten dependent claim 16 to include all limitations of canceled claim 13. Amended claim 16 is now an independent claim. With regard to the §102(e) rejection of claim 16, Applicant respectfully traverses this rejection. Additionally, the preamble term "according to an 802.11 standard" of the originally-filed claims 14-18 and 20-21 is changed to "according to a wireless LAN standard" in each of those claims.

Claim 16 recites: "allowing the PC to send a data message without valid measured CSI to the station only upon non-receipt of a response to a poll of that same network entity within one Short InterFrame Space SIFS." The Hammerschmidt reference is seen to fail to anticipate claim 16 in three respects.

First, claim 16 recites that the PC is allowed to send a data message without valid measured

CSI. In Figure 15 of Hammerschmidt, the AP is seen to receive the ACK frame 1504. Hammerschmidt recites at paragraph 0011 that the transceiver derives and applies CSI in the OFDM sub-channels, and at paragraph 0091, that the processor 270 of the AP 200 derives CSI from the ACK frame (packets 1504' and 1504''). Paragraph 0095 further recites that CSI is derived upon the arrival of each new packet. Figure 15 therefore shows that the AP obtains CSI from the ACK frame 1504 prior to sending the data frame 1506.

Second, claim 16 recites the instance where there is non-receipt of a response to the poll. In Figure 15 of Hammerschmidt and at paragraph 0091, the ACK frame 1504 is a response to the poll and is received by the AP, so Figure 15 relates to a different instance than the one recited in claim 16.

Third, claim 16 recites that the data message may be sent after non-receipt of the response to the poll, that non-receipt being within one SIFS. As in the above paragraph, the ACK frame 1504 of Figure 15 is a response to the CF-poll. The span between the CF-Poll and the ACK frame 1504 of Figure 15 is one interframe space (unlabeled). Hammerschmidt is not seen to disclose that the unlabeled interframe space between the CF-Poll and the ACK frame 1504 spans more than one SIFS. For at least the above three reasons, claim 16, which is amended herein only to be an independent claim and not otherwise to overcome the substantive rejection, is seen to patently distinguish over Hammerschmidt.

Regarding the objection to claims 14, 15, and 17-21 in item (4) above, the Examiner indicated that these claims would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant has rewritten dependent claims 14, 15, 17, 18, 20, and 21 in independent form to include all limitations in the base claim (canceled claim 13). Consequently, Applicant respectfully submits that amended, independent claims 14, 15, 17, 18, 20, and 21 are patentable. Because independent claim 18 is patentable, its dependent claim 19 is also patentable.

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Based on the foregoing, it is respectfully asserted that pending claims 1-12 and 14-24 are now allowable. The Applicant invites the Examiner to resolve any remaining issues via teleconference with the undersigned representative where appropriate, at the Examiner's discretion.

Respectfully submitted:



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Date

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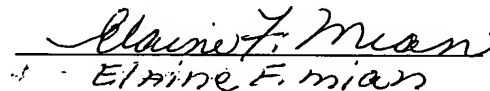
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December 22, 2004

Date


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